

CITY OF EUREKA

Category: Administration

POLICIES & PROCEDURES

Subject: Mobility Device Policy

Date Adopted: November 6, 2018

File 1.81  
Number

### POLICY OBJECTIVE

The purpose of the City of Eureka Other Power-Driven Mobility Devices Policy is to comply with regulations promulgated pursuant to the Americans with Disabilities Act (ADA--Title II Regulations, 28 C.F.R., Part 35)

The City of Eureka (City) hereby makes reasonable modifications to its policies, practices and procedures to permit the use of Other Power-Driven Mobility Devices (OPDMDs) to increase access and recreational opportunities for people with mobility disabilities. This policy is adopted to comply with regulations promulgated pursuant to the Americans with Disabilities Act ("ADA"). (Title II Regulations, 28 C.F.R., Part 35). In order to increase access and recreational opportunities for those with disabilities, it is the policy of the City to allow the use of OPDMDs on City owned property, where they can be operated safely, without posing a risk of harm to other users, and natural and cultural resources. Persons without mobility disabilities may not use OPDMDs on City owned property.

### ASSIGNED RESPONSIBILITY

City Manager, Department Directors and Supervisors.

### APPLICABILITY

Applicable to all City of Eureka owned facilities, pathways and trails.

### PROCEDURES

OPDMDs, as defined herein, may be used on City owned property where their use does not pose significant safety risks, nor fundamentally alter the nature of services, programs, and activities provided by the City. OPDMDs used on City owned property must meet the following definition and standards, and are subject to the rules of use stated below.

An OPDMD is a battery or other non-combustion engine-powered mobility device that is used by individuals with mobility disabilities for the purpose of locomotion. Examples of OPDMDs include electronic personal assistance mobility devices (EPAMDs) such as a Segway® PT, ATVs, electric bicycles or other mobility devices designed to operate in areas without defined pedestrian routes. OPDMDs do not include wheelchairs (manual or power operated) or other manually powered mobility aids such as walkers, crutches, canes, braces, or similar devices designed for use by individuals with mobility disabilities. In accordance with Federal law, wheelchairs and other mobility aids are permitted anywhere pedestrian traffic is permitted.

- Standards and Areas of Authorized Use
  - Permitted Size and Weight  
OPDMDs shall not be wider than 36” or longer than 48” or weigh more than 500 pounds.
  - Speed  
No person shall operate an OPDMD at a speed in excess of 7 miles per hour. Notwithstanding this speed limit, no person shall operate an OPDMD at a speed greater than is reasonable and prudent having due regard for other users, trail sight-lines, and the surface of the trail.
  - Permitted Fuel Source  
In order to ensure zero emissions and to protect natural environs, only manually, electric or battery powered OPDMDs are permitted.
- Rules of Use
  - Who may use an OPDMD  
Pursuant to Federal law, the use of OPDMDs on City owned facilities, pathways and trails is restricted to people with mobility disabilities. City staff may not inquire about the nature or extent of a person’s disability, but may request that a person using an OPDMD provide credible assurance that the OPDMD is required because of a disability. Credible assurance may be provided by showing verification, for example:
    - A valid, state-issued, disability parking placard or card issued to the person using the OPDMD.
    - Other state-issued proof of disability.
    - Other Federal-issued proof of disability (e.g., National Parks and Federal Recreational Lands Access Pass).In lieu of identification, individuals may also provide a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability.
- Areas of Authorized Use
  - OPDMDs permitted pursuant to this policy are authorized to be used on all paths that are part of the City’s trail system and open to the general public.
  - Electric bicycles used by persons with mobility disabilities are permitted on single track multi-use trails that are open to other bicycles.
- Restricted Areas
  - OPDMDs are not permitted on single-track trails within the City’s parks and open spaces, except for electric bicycles as specified above. Electric bicycles are prohibited on single-track trails where other bicycles are excluded due to safety concerns and for the protection of natural resources.
  - OPDMDs are not permitted in areas that are closed to the general public.

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Those who seek to use an OPDMD which does not meet the standards defined herein, or who seek to use an OPDMD in a location where OPDMDs are not allowed pursuant to this Policy may request a variance. Variance requests should be submitted in writing to the City as follows:

U.S. MAIL

City of Eureka  
531 K Street  
Eureka CA 95501  
Attn: City Clerk

EMAIL

[cityclerk@ci.eureka.ca.gov](mailto:cityclerk@ci.eureka.ca.gov)

The requested variance shall be evaluated and a decision shall be communicated to the applicant of the variance within seven (7) business days from the date of receipt of the request by the City.